

1 THE HONORABLE BARBARA J. ROTHSTEIN  
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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

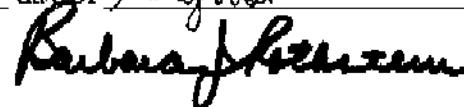
8 IN RE: PHENYLPROPANOLAMINE 9 (PPA) PRODUCTS LIABILITY 10 LITIGATION	MDL DOCKET # 1407 11 MDL #2:02-CV-1757-BJR
12 This document relates to the action(s) 13 listed below:  <i>David Emery</i> vs. <i>Bayer Corp., et al.</i>	<b>[REDACTED] ORDER GRANTING WYETH'S MOTION FOR SUMMARY JUDGMENT ON THE GROUNDS THAT PLAINTIFF DID NOT INGEST A WYETH PPA- CONTAINING PRODUCT WITHIN THE SEVENTY-TWO (72) HOURS OF HIS STROKE AS REQUIRED BY THIS COURT'S JUNE 18, 2003 DAUBERT ORDER</b>

16 **ORDER**  
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18 Considering Wyeth's Motion for Summary Judgment on the grounds that the  
19 evidence in this case demonstrates that plaintiff did not ingest a PPA-containing product  
20 manufactured by Wyeth within the seventy-two (72) hours prior to his stroke as required  
21 by this Court's June 18, 2003 Daubert Order;

22 **IT IS HEREBY ORDERED** that plaintiff David Emery's claims against Wyeth  
23 are dismissed, with prejudice, at plaintiff's cost.

24 Seattle, Washington this 17th day of August, 2005.  
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26 JUDGE BARBARA J. ROTHSTEIN